

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.28049 OF 2005

17.04.2006

Between:

Chilukuri Krishnavenamma, W/o.Anjaneyulu

and others

... Petitioners

AND

The Secretary to Government of Andhra Pradesh,

Endowments Department, Secretariat, Hyderabad

And others

... Respondents

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ORDER:

The three petitioners filed the instant writ petition aggrieved by the action of the respondents especially respondent No.5 in not disposing of the representation dated 24.3.2003 allegedly made by the petitioners as well as other ryots of Korutadiparru village of Amarthalur Mandal in Guntur District as illegal and arbitrary. The petitioners also seek a direction to respondents to pass appropriate orders under Section 11 of A.P. (Andhra Area) Abolition of Estates and Conversion into Ryotwari Act, 1948 (the Act, for brevity) in favour of all the ryots, who are in possession of the property.

It is the case of the petitioners that the land in survey Nos.179, 182, 209, 216, 221 and 73 is a land belonging to Manuri Venkataramaiah Zamindar, who gave a grant along with other lands to one Machiraju Veeranna in 18th century. It is also their case that after coming into force of the Act, the land was notified as estate land and, therefore, all the ryots, who are in possession of the land as on the date of coming into force of the Act, are entitled for conversion of their holdings into ryotwari. The

petitioners also referred to the earlier litigation between the petitioners on one side and Sri Chennakesava Swamy Temple on the otherside, in which, according to the petitioners, the land was allegedly treated as estate land. Therefore, they seek grant of ryotwari pattas under Section 11 of the Act.

This writ petition is coming up for admission from December 2005. The matter was adjourned from time to time to enable the learned Assistant Government Pleader for Revenue (General) to get instructions and produce record as to whether the land in respect of which the petitioners claim ryotwari pattas is notified under Section 3(1) of the Act as estate village taken over by the Government. Today, after getting instructions, the learned Assistant Government Pleader submits that initially the land in question along with other lands is notified as estate land under Madras Estates Land Act, 1908, but later the notification was withdrawn and, therefore, it is not an estate land. He further submits that it is inam land belonging to eighth respondent and when other persons filed applications for pattas those were rejected under A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (Inams Abolition Act, for brevity). He, however, submits that appropriate steps are being taken by the Settlement Officer i.e., the Joint Collector, Guntur to pass appropriate orders in the matter. In that view of the matter, the writ petition is disposed of directing the Joint Collector, Guntur (Settlement Officer under the Act) to consider the representations made by the petitioners and other villagers and pass appropriate orders in accordance with law. Needless to mention that if the land is not notified under the Act, the petitioners have no right to claim ryotwari pattas, as under the Inams Abolition Act, if the land belongs to charitable institutions or temples, no patta can be granted to private persons.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

April 17, 2006

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